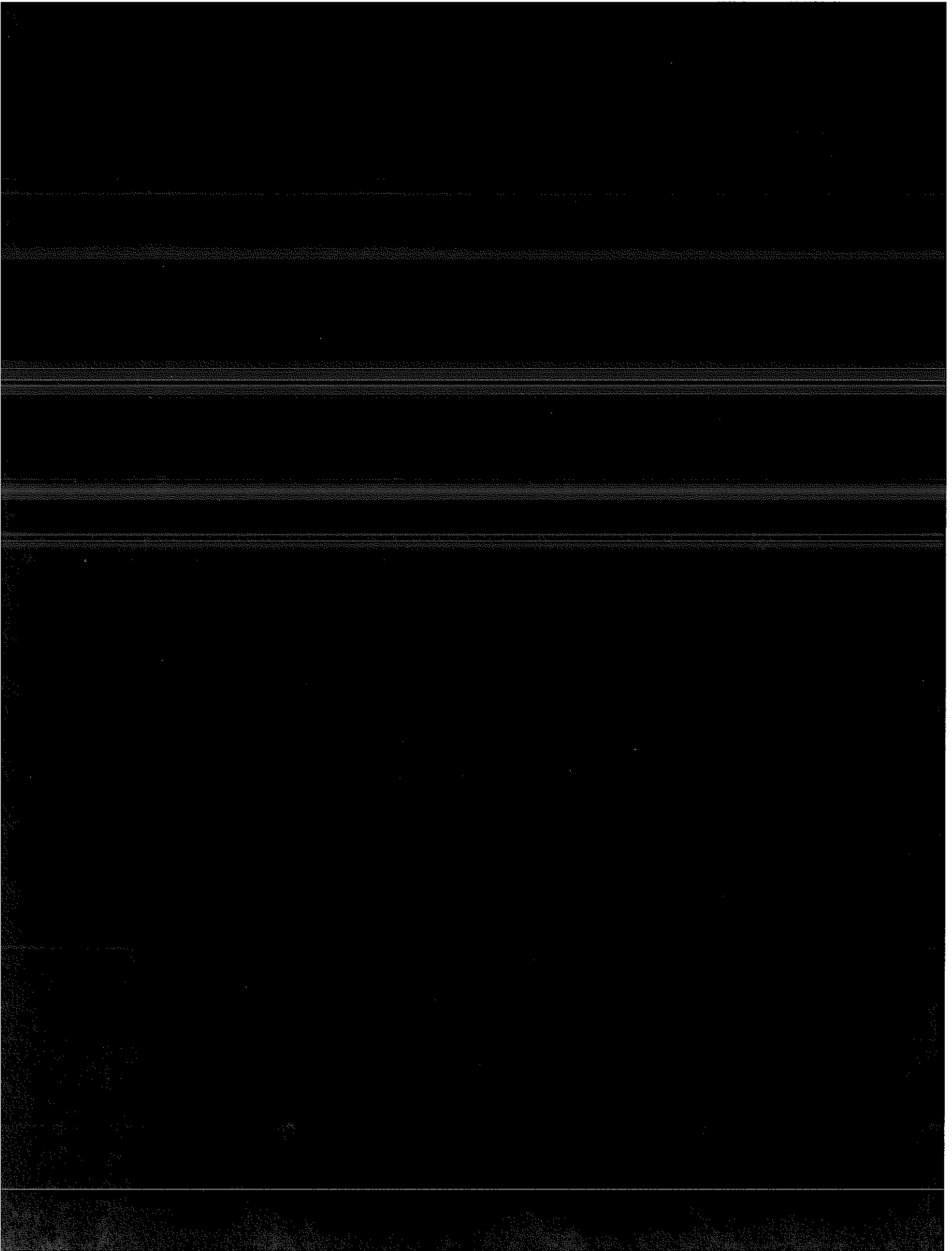


Subpart J of 40 C.F.R. Part 265.

ORDER

54. Based on the foregoing findings, Respondent is hereby ordered, pursuant to the authority in 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.37(b), to comply with the requirements in paragraphs 55-58 and all applicable requirements of RCRA. This Order incorporates Appendix A, which includes a representation of the Facility, the areas requiring secondary containment, and other features.

55. Respondent agrees to decommission and permanently close several tanks at the Facility no later than August 30, 2015 and in accordance with all applicable federal, state, and local laws and regulations, including but not limited to 40 C.F.R. § 112.2, 40 C.F.R. § 279.54(h)



and 35 ILL. ADMIN. CODE § 739.154. The tanks at the Facility to be decommissioned and permanently closed are in the Facility's Areas 2, 3, 4, 5, 6, 7, and 9, and are listed in Appendix B. No later than ten (10) days after the Effective Date of this Order, Respondent agrees to submit to U.S. EPA (at the addresses provided in paragraph 59) a closure plan detailing how Respondent will decommission and permanently close the tanks in accordance with 40 C.F.R. § 112.2, 40 C.F.R. § 279.54(h) and 35 ILL. ADMIN. CODE § 739.154. If Respondent should resume use of any of the tanks listed in Appendix B, Respondent shall construct secondary containment consistent with 40 C.F.R. Parts 112 and 279 and 35 ILL. ADMIN. CODE Part 739, make technical amendments to its SPCC plan consistent with 40 C.F.R. Part 112, and, if required, prepare and submit a Facility Response Plan consistent with 40 C.F.R. Part 112. If Respondent does not decommission and permanently close certain tanks in Appendix B (with the exceptions of Tanks 101, 120, 122, 132, and 146) by the deadline in this paragraph, Respondent must, with U.S. EPA's prior approval, construct secondary containment consistent with 40 C.F.R. Parts 112 and 279 and 35 ILL. ADMIN. CODE Part 739, make technical amendments to its SPCC plan consistent with 40 C.F.R. Part 112, and, if required, prepare and submit a Facility Response Plan consistent with 40 C.F.R. Part 112; failure to do so constitutes a violation of this Order for each tank not decommissioned or permanently closed. In any event, Respondent must decommission and permanently close Tanks 120, 122, 132, and 146, and perform clean closure on Tank 101, by the deadline in this paragraph, in compliance with 40 C.F.R. Part 264, Subparts G and J and 35 ILL. ADMIN. CODE Parts 724 and 725, including submitting a closure plan to the Illinois Environmental Protection Agency (with a courtesy copy of the plan sent to U.S. EPA at the addresses specified in paragraph 59).

56. Respondent agrees to perform the following activities at the Areas of the Facility

depicted in Appendix A, no later than the deadlines specified for each activity:

- A. Install secondary containment enclosing Area 1 (approximately 14,600 ft²), with a wall at an elevation of approximately 600 mean sea level (msl), and with the existing concrete floor inspected and repaired to ensure impervious containment, no later than June 15, 2015. The secondary containment shall be built according to the technical details in Appendix A, with access ladders for maintenance and inspections, knockout containment walls for emergencies, and four (4) 2" drains equipped with manually controlled ball valves to release any non-contaminated storm water from Area 1. The secondary containment shall have a capacity of at least 420,000 gallons.
- B. Install secondary containment enclosing Area 2 (approximately 7,560 ft²), with a wall at an elevation of at least 600 msl, and with the existing concrete floor inspected and repaired to ensure impervious containment, no later than June 15, 2015. The secondary containment shall be built according to the technical details in Appendix A, with access ladders for maintenance and inspections, knockout containment walls for emergencies, and four (4) 2" drains equipped with manually controlled ball valves to release any non-contaminated storm water from Area 2. The secondary containment shall have a capacity of at least 277,068 gallons.
- C. Install secondary containment enclosing Area 8 (approximately 1,470 ft²), with a wall at an elevation of at least 600 msl, and with the existing concrete floor inspected and repaired to ensure impervious containment, no later than August 15, 2015. The secondary containment shall be built according to the technical

details in Appendix A, with access ladders for maintenance and inspections, knockout containment walls for emergencies, and four (4) 2" drains equipped with manually controlled ball valves to release any non-contaminated storm water from Area 8. The secondary containment shall have a capacity of at least 26,000 gallons.

- D. Following completion of items A-C, Respondent agrees to submit a report ("Completion Report"), no later than August 30, 2015. The report shall include evidence of all decommissioning and permanent closure activities referenced in paragraph 55, as well as all documentation showing that the secondary containment was constructed in compliance with the terms of this Order and with 40 C.F.R. Part 112, 40 C.F.R. § 279.54(d)(2), and 35 ILL. ADMIN. CODE § 739.154(d)(2) (including invoices for materials and volume of secondary containment). Respondent also agrees to submit a copy of the Completion Report to the Illinois Environmental Protection Agency, Bureau of Land, Permit Section #33, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62974-9276.

57. Respondent shall achieve and maintain compliance with all requirements and prohibitions governing the storage of hazardous waste applicable to treatment, storage and disposal facilities, codified at or incorporated by 35 ILL. ADMIN. CODE § 722.134 and 40 C.F.R. Part 264.

58. Immediately upon the Effective Date of this Order, Respondent shall rebut the rebuttable presumption for used oil pursuant to 35 ILL. ADMIN. CODE § 739.153(a) and (c) and 40 C.F.R. § 279.53(a) and (c).

59. Respondent shall submit all reports and documents required by this Order to:

Brian Kennedy (LR-8J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

with a copy to:

Robert M. Peachey
Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604

MODIFICATIONS

60. In order for Respondent to seek permission to deviate from this Order, Respondent shall submit a written request to U.S. EPA for approval, outlining the proposed modification and its basis and how the deviation proposed will affect meeting the deadlines in paragraph 56, items A-E. Should EPA not respond within ten business days of such written requests, then the deadlines in paragraph 56, items A-E shall be extended by the number of days beyond the ten-day time period that U.S. EPA takes to respond. Such written request will be submitted to

Brian Kennedy (LR-8J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

with a copy to:

Robert M. Peachey
Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 West Jackson Boulevard
Chicago, Illinois 60604

61. Respondent shall immediately take all appropriate action to abate or minimize any discharge or substantial threat of a discharge, if any incident during the actions conducted pursuant to this Order causes or may cause, either a substantial threat of a discharge or a

discharge of oil or hazardous substances from the Facility.

FORCE MAJEURE

62. Respondent shall perform the actions required under this Order within the time limits set forth or approved herein, unless the performance is prevented or delayed solely by events which constitute a Force Majeure event. A Force Majeure event is defined as any event arising from causes beyond the control of Respondent (including Respondent's employees, agents, consultants and contractors) which could not be overcome by due diligence and which delays or prevents the performance of an action required by this Order within the specified time period. A Force Majeure event does not include, *inter alia*, increased costs of performance, changed economic circumstances, changed labor relations, normal precipitation or climate events, changed circumstances arising out of the sale, lease or other transfer or conveyance of title or ownership or possession of a site, or failure to obtain federal, state or local permits.

63. If Respondent believes that a Force Majeure event has affected its ability to perform any action required under this order, Respondent shall notify U.S. EPA in writing within seven calendar days after the event at the contact addresses provided above. Such notice shall include a discussion of the following:

- A. What action has been affected;
- B. The specific cause(s) of the delay;
- C. The length or estimated duration of the delay; and
- D. Any measures taken or planned by Respondent to prevent or minimize the delay and a schedule for the implementation of such measures.

64. Respondent may also provide to U.S. EPA any additional information that Respondent deems appropriate to support a conclusion that a Force Majeure event has affected

its ability to perform an action required under this Order. Failure to provide timely and complete notification to U.S. EPA shall constitute a waiver of any claim of Force Majeure as to the event in question.

65. If U.S. EPA determines that the conditions constitute a Force Majeure event, then the deadline for the affected action shall be extended by the amount of time of the delay caused by the Force Majeure event. Respondent shall coordinate with U.S. EPA to determine when to begin or resume the operations that had been affected by any Force Majeure event.

66. Respondent shall bear the burden of proving (1) that the noncompliance at issue was caused by circumstances beyond the control of Respondent (including Respondent's employees, agents, consultants and contractors); (2) that Respondent (including Respondent's employees, agents, consultants and contractors) could not have foreseen and prevented such noncompliance; and (3) the number of days of noncompliance that were caused by such circumstances.

NON-COMPLIANCE, ENFORCEMENT, AND STIPULATED PENALTIES

67. For violation of, or failure to comply with, the provisions of this Order, a court may subject Respondent to civil penalties of up to thirty-seven thousand, five hundred dollars (\$37,500) per day of violation. U.S. EPA is authorized to assess such penalties pursuant to Section 3008(c) of RCRA.

68. If Respondent fails to timely fulfill any requirement of this Order, Respondent shall pay a stipulated penalty for each violation of each requirement of this Order as follows:

- | | | |
|----|--|-----------------|
| A. | For Day 1 up to and including Day 30
of non-compliance | \$500 per day |
| B. | For Day 31 up to and including Day 60
of non-compliance | \$750 per day |
| C. | For Day 61 and beyond of non-
compliance | \$1,000 per day |

These penalties will accrue from the date Respondent failed timely to fulfill the relevant

requirement of the Order, up until Respondent achieves compliance with the requirement. Such payments shall be made upon written demand by the U.S. EPA. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties.

69. Respondent shall pay the stipulated penalties by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent shall provide copies of the check to the addresses listed in paragraph 59.

70. Payment of any stipulated penalty in paragraph 68 is not deductible for federal tax purposes.

71. If Respondent does not timely pay the stipulated penalties demanded under paragraph 68, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

72. To the extent Respondent demonstrates to U.S. EPA that a delay or other non-compliance was due to a Force Majeure event (as defined above in this Order), U.S. EPA shall excuse the stipulated penalties for that delay or non-compliance.

TERMINATION

73. The requirements of this Order will terminate only after all requirements of this Order have been satisfied, and Respondent can demonstrate continuous compliance with RCRA for two (2) years following completion of the activities described in paragraphs 54-58. If

Respondent believes these conditions for termination have been met, Respondent may request that U.S. EPA terminate the Order. Such request shall be in writing and shall set forth supporting information.

74. After receiving a termination request from Respondent, if U.S. EPA concurs that Respondent has met the conditions for termination of this Order, EPA shall issue to Respondent a written termination of the Order.

GENERAL PROVISIONS

75. This Order does not affect Respondent's responsibility to comply with other federal, state and local laws.

76. Nothing in this Order shall be construed to relieve Respondent of the requirements of RCRA or any other applicable requirements under federal, state or local law. U.S. EPA reserves the right to take, direct, or order all actions as necessary as authorized by law for any violation of this Order, and for any future or past violations of RCRA. In particular, U.S. EPA reserves its right to assess penalties and/or seek other injunctive relief for the violations of the requirements cited above as provided, *inter alia*, by Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

77. The terms of this Order are binding on Respondent, its assignees and successors. Respondent must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to U.S. EPA, at the addresses in paragraph 59, that it has given the notice.

78. Nothing in this Order shall preclude or prevent Respondent from seeking bankruptcy protection in a United States Bankruptcy Court with appropriate jurisdiction, and nothing in this Order shall preclude or prevent Respondent from filing suit against a third party

(other than the United States or U.S. EPA) for contribution, indemnification, or any other relief resulting from Respondent's duties under this Order.

79. U.S. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

80. Respondent agrees to the terms of this Order. Respondent has also agreed to the terms of an administrative compliance order under Section 311 of the Clean Water Act, 33 U.S.C. § 1321, signed by Respondent at the same time as this Order

81. Upon request, Respondent will provide U.S. EPA and its contractors with reasonable access to the Facility for observation and inspection during and following completion of the implementation of this Order.

82. This Order is effective on the date of signature by the Director of the Land and Chemicals Division.

83. Each person signing this Order certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

84. Each party agrees to bear its own costs and attorney's fees in this action.

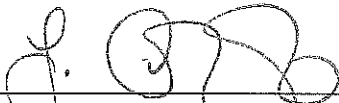
In the Matter of:

Ortek, Inc.

Docket No. RCRA-05-2015-0012

Ortek, Inc., Respondent

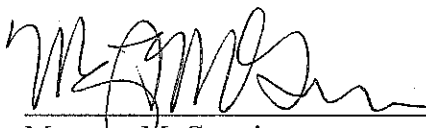
June 17, 2015
Date



Lowell Aughenbaugh, President
Ortek, Inc.

U.S. Environmental Protection Agency, Complainant

7/20/2015
Date

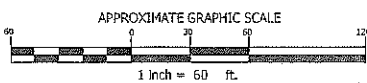
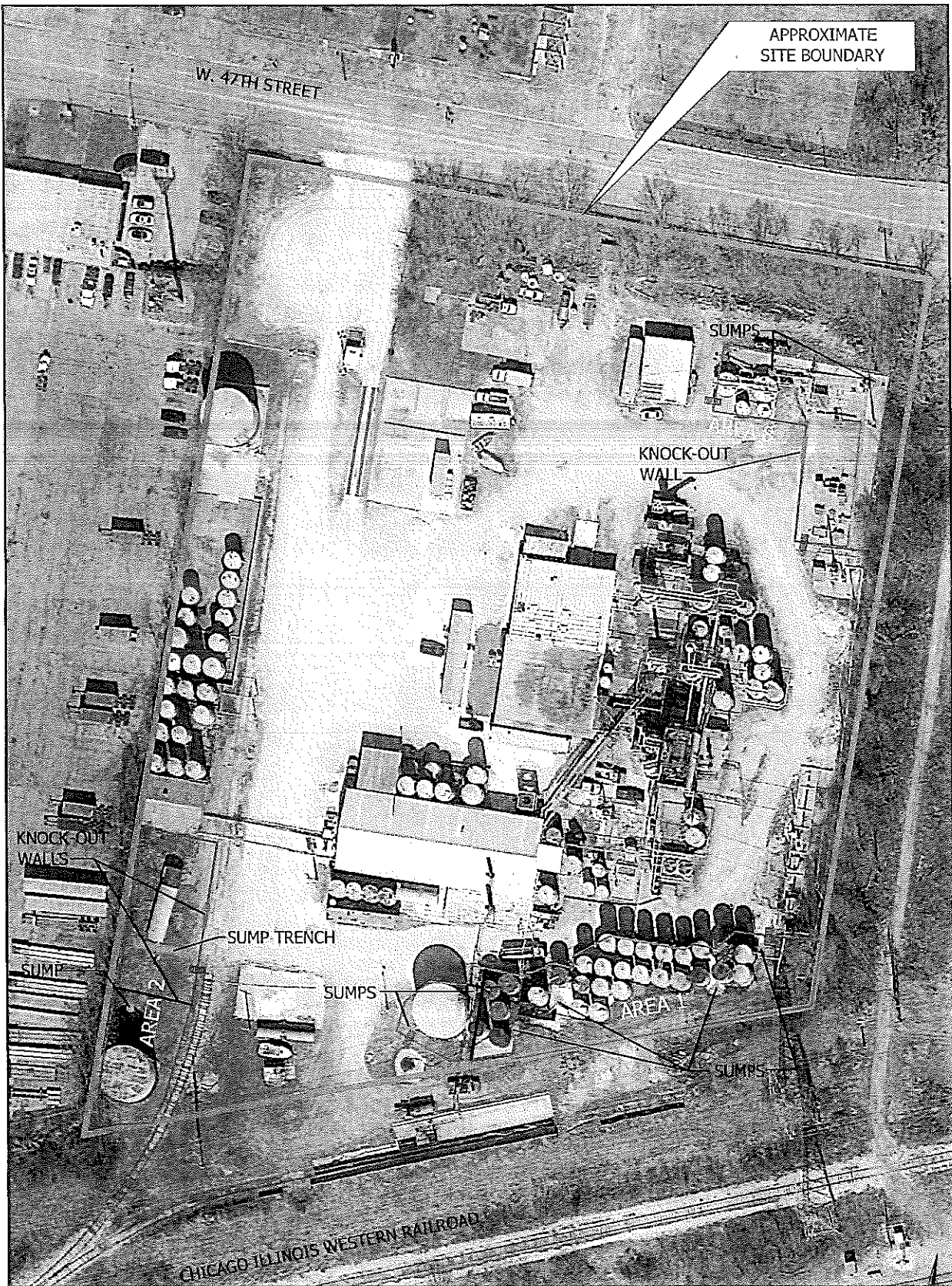


Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Ortek, Inc.
Docket No. RCRA-05-2015-0012

Appendix A

**Site Layout Map, Secondary Containment Details,
And Access Ladder Details**



LEGEND

PROPERTY BOUNDARY

APPROXIMATE AREA CONTAINMENT WALLS

AREA

AREA IDENTIFICATION

|||||

APPROXIMATE ACCESS LADDER LOCATION

SOURCE: IMAGE ADAPTED FROM GOOGLE EARTH IMAGERY
DATED APRIL 2011.
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PREPARED FOR:
ORTEK, INC.

SITE LAYOUT MAP

ORTEK
7601 47TH STREET
MCCOOK, IL

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CHICAGO, ILLINOIS
(312) 922-2080 www.wcgrp.com

DRAWN BY: RMD
REVIEWED BY: AP/KP
DATE: 5/21/2015
FILE: 3002-300-51
CAD: SITE.dwg

FIGURE 1

In the Matter of:

Ortek, Inc.

Docket No. RCRA-05-2015-0012

Appendix B

Facility Tanks to be Decommissioned/Permanently Closed

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 1 -- South Area									
D-1	BLEND TANK	15,000	1974	12.00	17.75			70	850
D-2	OILY WASTE WATER	15,000	1977	12.00	17.75	IMPERIAL	9831	70	850
120	NOT IN SERVICE	21,300	1952	11.00	30.00			58	700
122	NOT IN SERVICE	21,300	1952	11.00	30.00			58	700
132	NOT IN SERVICE	21,300	1952	11.00	30.00			58	700
146	NOT IN SERVICE	21,300	1969	11.00	30.00	IMPERIAL	7549	58	700

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 2 -- West Area									
13	EMPTY	12,217	1985	11.06	17.00				
15	EMPTY	12,217	1985	11.06	17.00				
16	EMPTY	12,217	1985	11.06	17.00				
17	EMPTY	12,217	1985	11.06	17.00				
18	EMPTY	12,217	1985	11.06	17.00				
19	EMPTY	12,217	1985	11.06	17.00				
98	NOT IN SERVICE	21,300	1969	11.00	30.00			58	700
99	NOT IN SERVICE	21,300	1969	11.00	30.00			58	700
306	NOT IN SERVICE	21,300	1985	11.00	30.00				
307	NOT IN SERVICE	21,300	1969	11.00	30.00			58	700
405	NOT IN SERVICE	24,500	1976	13.00	25.75	GRAVER		83	993
500	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650
501	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650
502	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650
503	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650

504	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650
505	ORTEK BASE OIL - 150	21,300	1969	11.00	30.00			58	700
506	ORTEK BASE OIL - 150	21,300	1969	11.00	30.00			58	700
507	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650
508	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650
509	ORTEK BASE OIL - 150	19,400	1964	10.50	30.00			54	650

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 3 -- Boiler Building									
201	INSIDE FLUSHING OIL	1,500	1962	5.00	10.20			12	147
202	WEST BLENDING POT	864		5.88	5.00				
204	NOT IN SERVICE	2,100	1958	4.70	16.00			11	130
205	NOT IN SERVICE	2,100	1958	4.70	16.00			11	130
206	NORTH BLEND POT	603		4.55	4.80				
207	SJR 2000	2,750	1958	5.75	14.00			16	194
208	SJR 2000	2,750	1958	5.75	14.00			16	194
210	SJR 2000	2,750	1958	5.75	14.00			16	194
211	H CAL 2400	2,750	1958	5.75	14.00			16	194
212	H CAL 2400	2,750	1958	5.75	14.00			16	194
213	ELCO 102 BLEND	2,750	1958	5.75	14.00			16	194
214	NIS	2,750	1958	5.75	14.00			16	194
215	EXXON 80 NEUTRAL	2,750	1958	5.75	14.00			16	194
216	ELCO 102 BLEND	2,750	1958	5.75	14.00			16	194
217	RIGID DARK TANK	2,750	1958	5.75	14.00			16	194

237	INFINEUM 4540	6,200	1962	8	16.48			31.5	37
238	IPC 1500	6,200	1962	8	16.48			31.5	376
241	ORTEK BASE OIL-150	10,500	1962	11	15.00			58	700
242	ORTEK BASE OIL-150	12,000	1962	11	17.00			58	700
250	BLENDING TANK	7,500	1962	8.45	17.87	GRAVER	46309	35	420
251	BRANNEN SJ	6,200	1962	8	16.48			31.5	376
252	BLEND TANK	10,500	1962	11	15.00			58	700
253	BLEND TANK	12,000	1962	11	17.00			58	700

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 4 -- North Side of Boiler Building									
F21	DIKE WATER	7,614		9.06	12.00				
F22	DIKE WATER	10,355		9.85	18.00				
240	ORTEK BASE OIL-150	19,900	1962	11	27.20			58	700
402	ORTEK BASE OIL-150	21,300	1969	11	30.00			58	700
404	ORTEK BASE OIL-150	24,500	1976	13	25.75			83	993
408	ORTEK BASE OIL-150	21,300	1969	11	30.00			58	700
413	ORTEK BASE OIL-150	21,300	1969	11	30.00			58	700

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 5 -- South Side of Boiler Building									
510	BLENDED PRODUCT	14,800	1959	10.5	23.00			54	650
511	BLENDED PRODUCT	14,800	1959	10.5	23.00			54	650
512	BLENDED PRODUCT	14,800	1959	10.5	23.00			54	65'

513	BLENDED PRODUCT	14,800	1959	10.5	23.00			54	650
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TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 6 -- East Side of Boiler Building									
12	OFF ROAD DIESEL	5,200		7.95	14.00				
14	OFF ROAD DIESEL	5,200		7.95	14.00				
110	NOT IN SERVICE	15,000	1964	10.5	23.20			54	650
310	ASPHALT	21,300	1969	11	30.00			58	700
403	USED OIL	21,300	1969	11	30.00			58	700
409	USED OIL	21,300	1969	11	30.00			58	700
1149	NOT IN SERVICE	10,000		10.17	16.00				
DT40	NOT IN SERVICE	5,800	1972	7.75	16.30	IMPERIAL	8464	29.5	353

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 7 -- East Side of Maintenance & Lab Facility									
T-1 TOWER	USED OIL DISTILLATION	10,600	1973	9	20.00			40	476
T-2 TOWER	USED OIL DISTILLATION	13,380	1975	10	20.00			49	587
T-3 TOWER	NOT IN SERVICE	13,380	1975	10	20.00			49	587
T-4 TOWER	WET OIL DRYING	13,380	1976	10	20.00			49	587
T-5 TOWER	NOT IN SERVICE	13,380	1976	10	20.00			49	587
T-6 TOWER	NOT IN SERVICE	13,380	1976	10	20.00			49	587
NP 6	ORTEK BASE OIL-150	5,800	1972	7.75	16.30	IMPERIAL	8465	29.5	353
NP 7	ORTEK BASE OIL-150	5,800	1972	7.75	16.30	IMPERIAL	8466	29.5	353
20	DISTILLATE	8,000	1972	10	14.00			91	1090
300	OUTSIDE FLUSHING OIL	3,170	1964	6	15.00			18	212
301	OLD FIRE BOX OIL TANK	3,170	1964	7	11.00				

316	T-1/T-2 LIGHT FUEL	15,500	1969	10.5	24.00			54	65
323	LIGHT FUEL - API	21,300	1969	11	30.00	IMPERIAL	7427	58	700
324	OILY WASTE EMULSIONS	21,300	1969	11	30.00	IMPERIAL	7548	58	700
325	OILY WASTE EMULSIONS	21,300	1969	11	30.00	IMPERIAL	7548	58	700
326	NOT IN SERVICE	21,300	1969	11	30.00			58	700
410	OILY WASTE EMULSIONS	21,300	1965	11	30.00			58	700
411	OILY WASTE EMULSIONS	21,300	1965	11	30.00			58	700
412	ORTEK BASE OIL-150	21,300	1969	11	30.00	IMPERIAL	7427	58	700

TANK NUMBER	PRODUCT STORED	CAPACITY	YEAR BUILT	DIAMETER	HEIGHT	MFG.	S.N.#	gal/in	gal/ft
Area 9 -- Tank 400 (Northwest Corner of the Facility)									
400	NOT IN SERVICE	250,000	1969	35	36.00	IMPERIAL	7304	600	7200